

Acting Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225), as revised by an October 4, 1993 memorandum from Michael H. Shapiro, Acting Assistant Administrator for Air and Radiation. On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 revisions from the requirements of section 3 of Executive Order 12291 for a period of two years (54 FR at 2222). EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. OMB has agreed to continue the waiver until such time as it rules on EPA's request. This request is continues in effect under Executive Order 12866, which superseded Executive Order 12291 on September 30, 1993.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by [insert date 60 days from date of publication]. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)) (See 42 U.S.C. 7607 (b)(2))

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Ozone, Incorporation by reference, Intergovernmental relations, Reporting and recordkeeping requirements, Volatile organic compounds.

**Note:** Incorporation by reference of the Implementation Plan for the State of Oregon was approved by the Director of the Office of Federal Register on July 1, 1982.

Dated: January 21, 1994.

Gerald A. Emison,  
Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401-7671q.

#### Subpart MM—Oregon

2. Section 52.1970 is amended by adding paragraph (c) (104) to read as follows:

#### § 52.1970 Identification of plan.

\* \* \* \* \*

(c) \* \* \*  
(104) On November 16, 1992, the Oregon State Department of Environmental Quality submitted the formal SIP revision to Oregon's Administrative Rules (OAR) 340-20-136 and 340-22-440 through 340-22-640, adopted as part of the state of Oregon Clean Air Act Implementation Plan through OAR 340-20-047. This revision establishes and requires the implementation of an oxygenated gasoline program in the Clackamas, Jackson, Multnomah, Washington and Yamhill counties, and an eleven by twelve mile area surrounding Klamath Falls and a nine mile by nine mile area surrounding Grants Pass.

(i) Incorporation by reference.

(A) The November 16, 1992 letter from the Director of the Oregon State Department of Environmental Quality to EPA Region 10 submitting revisions to the Oregon SIP.

(B) Revisions to the Oregon SIP: Rules on Oxygenated Fuels, OAR 340-20-136 and 340-22-440 through 340-22-640, adopted as part of the State of Oregon Clean Air Act Implementation Plan through OAR 340-20-047, effective November 1, 1992.

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#### 40 CFR Part 52

[IN27-2-6226; FRL-4837-3]

#### Approval and Promulgation of Implementation Plans; Indiana

**AGENCY:** Environmental Protection Agency.

**ACTION:** Final rule.

**SUMMARY:** On November 24, 1993, the United States Environmental Protection Agency (USEPA) proposed to approve a State Implementation Plan (SIP) request for Vermillion County, Indiana. The request was submitted by the State of Indiana for the purpose of attaining the National Ambient Air Quality Standards (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM), and to satisfy Clean Air Act (Act) requirements for an approvable nonattainment area PM SIP for Vermillion County, Indiana. Public comments were solicited on the proposed SIP revision, and on USEPA's proposed rulemaking action. No public comments were received. This rulemaking action approves in final the Vermillion County, Indiana SIP revision as requested by Indiana.

**EFFECTIVE DATE:** This final rulemaking action becomes effective on March 17, 1994.

**ADDRESSES:** Copies of the State's submittal and other materials relating to this rulemaking action are available at the following address for review: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. The docket may be inspected between the hours of 8:30 a.m. and 12 noon and from 1:30 p.m. until 3:30 p.m. Monday through Friday. A reasonable fee may be charged by USEPA for copying docket material.

#### FOR FURTHER INFORMATION CONTACT:

David Pohlman, Regulation Development Branch, Regulation Development Section (AR-18J), U.S. Environmental Protection Agency, Region 5, Chicago, Illinois 60604, (312) 886-3299. Anyone wishing to visit the Region 5 offices should first contact David Pohlman.

#### SUPPLEMENTARY INFORMATION:

##### Background

In 1988, several exceedances of the ambient air quality standard for PM were recorded in Vermillion County at monitoring sites located downwind of Peabody Coal Company's Universal Mine, Blanford East Area. As a result of these exceedances, and pursuant to section 107(d)(A)(B) of the Act, part of Clinton Township, in Vermillion County, was classified as moderate nonattainment for PM. See 56 FR 56752 (November 8, 1991) and 40 CFR 81.315. Section 189 of the Act requires State submission of a PM SIP for moderate nonattainment areas by November 15, 1991.

On January 13, 1993, Indiana submitted the required PM SIP revision for the Vermillion County PM nonattainment area. Additional information in support of the request was submitted on February 22, 1993 and April 8, 1993. In these materials, the Indiana Department of Environmental Management (IDEM) stated that mining operations at the Peabody Coal Company's Blanford mining area ceased permanently in early 1992. The entire nonattainment area is now used exclusively for agricultural purposes.

IDEM has also stated that the operating permit issued to Peabody Coal Company for its mining operations expired on April 1, 1992, and will not be renewed. This facility has been deleted from the State's emissions inventory, and there are no other permitted or registered PM sources located in the Vermillion County nonattainment area.

The State also submitted a summary of air quality monitoring data for the nonattainment area. This data shows that there have been no violations of the NAAQS since 1988. It can be seen that the annual average PM concentration has decreased significantly from 45 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ) in 1988 to 29  $\mu\text{g}/\text{m}^3$  in 1992 (the NAAQS is 50  $\mu\text{g}/\text{m}^3$ ). The monitored 24 hour PM concentrations have also decreased greatly in the last 5 years. The highest monitored concentration in 1988 was 202  $\mu\text{g}/\text{m}^3$  compared to 84 in 1992 (the NAAQS is 150  $\mu\text{g}/\text{m}^3$ ). The most significant improvement is seen between the years 1991 and 1992 when mining operations in the nonattainment area ceased.

On November 24, 1993, USEPA proposed to approve the State's submission (58 FR 62067). In this proposal, USEPA identified the PM SIP elements required by the Act, including the requirement that the State must submit a demonstration showing that the plan will provide for attainment as expeditiously as practicable, but not later than December 31, 1994. See section 189(a)(1)(B) of the Act. USEPA's proposal to approve the Vermillion County SIP request was based on the State's having met this requirement; which, in turn, was based on both the permanent cessation of all mining operations and the low monitored concentrations of PM since 1988 in the Vermillion County area. In the proposal, USEPA also discussed the inapplicability of certain other PM SIP requirements due to the absence of industrial PM sources in the county.<sup>1</sup>

The public comment period for the notice of proposed rulemaking closed on December 27, 1993. No public comments were received.

#### Rulemaking Action

USEPA approves the requested Vermillion County nonattainment area PM SIP revision which was submitted on January 13, 1993, as supplemented on February 22, 1993, and April 8, 1993. Among other things, the State of Indiana has demonstrated that the Vermillion County moderate PM nonattainment area will attain the PM NAAQS by December 31, 1994.

This action has been classified as a Table 3 action by the Regional Administrator under the procedures published in the **Federal Register** on January 19, 1989 (54 FR 2214-2225). A revision to the SIP processing review

tables was approved by the Acting Assistant Administrator for Office of Air and Radiation on October 4, 1993 (Michael Shapiro's memorandum to Regional Administrators). A future notice will inform the general public of these tables. Under the revised tables this action is remains classified as a Table 3. On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for 2 years. The USEPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on USEPA's request. This request continued in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

Nothing in this action should be construed as permitting, allowing, or establishing a precedent for any future request for revision to the SIP in light of specific technical, economic, and environmental factors and in relation to relevant to statutory and regulatory requirements.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by April 18, 1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2) of the Act.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Particulate matter.

Dated: January 31, 1994.

David A. Ullrich,  
Acting Regional Administrator.

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

#### Subpart P—Indiana

2. Section 52.776 is amended by adding paragraph (p) to read as follows:

#### § 52.776 Control strategy: Particulate matter.

\* \* \* \* \*

(p) Approval—On January 13, 1993 the State of Indiana submitted a particulate matter State Implementation Plan revision for the Vermillion County nonattainment area. Additional information was submitted on February 22, 1993 and April 8, 1993. These materials demonstrate that the plan will provide for attainment of the National ambient air quality standards for particulate matter by December 31, 1994, in accordance with section 189(a)(1)(B) of the Clean Air Act.

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BILLING CODE 6560-50-F

#### 40 CFR Part 63

[FRL-4837-6]

#### National Emission Standards for Hazardous Air Pollutants; Compliance Extensions for Early Reductions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of complete enforceable commitments received.

**SUMMARY:** This notice provides a list of companies that have submitted "complete" enforceable commitments to the EPA under the Early Reductions Provisions [section 112(i)(5)] of the Clean Air Act (CAA) as amended in 1990. The list covers commitments determined by the EPA to be complete through December 8, 1993, and includes the name of each participating company, the associated emissions source location, and the EPA Regional Office which is the point of contact for further information. This is one of a series of notices of this type. The most recent notice listed twenty-five sources which have had commitments deemed complete by the EPA. The EPA will publish additional lists of complete submittals on a monthly basis, as needed.

**FOR FURTHER INFORMATION CONTACT:** David Beck (telephone: 919-541-5421), Rick Colyer (telephone: 919-541-5262), or Mark Morris (telephone: 919-541-5416), Emission Standards Division (MD-13), U.S. Environmental Protection Agency, Research Triangle Park, North Carolina 27711 for general information on the Early Reductions Program. For further information on specific submittals received under the Early Reductions Program contact the appropriate EPA Regional Office representative listed below:

Region I—Janet Beloin (617) 565-2734

<sup>1</sup> As noted in the proposal, the State must still submit provisions related to contingency measures under section 172(c)(9) of the Act. The USEPA will address this issue in a future rulemaking action.